United Nations A/62/770–S/2008/209

General Assembly
Security Council

Distr.: General
28 March 2008

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General Assembly
Sixty-second session
Agenda items 17 and 18

The situation in the Middle East

Question of Palestine

Security Council
Sixty-third year

Identical letters dated 27 March 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you regarding the continuation of rocket attacks carried out by Palestinian terrorists in the Gaza Strip against Israeli civilians.

Yesterday, Wednesday, 26 March 2008, two Israeli civilians were wounded after Palestinian terrorists in the Gaza Strip fired some 20 Qassam rockets and mortar shells at southern Israel. Both of the victims suffered shrapnel wounds, and nine others were treated for shock. Earlier in the day, a rocket landed in the backyard of a home in a western Negev kibbutz, causing damage to nearby buildings.

In addition, an Israeli civilian was lightly wounded when Palestinian terrorists in Gaza fired at a group of farmers near Kibbutz Ein Hashlosha, the same area where a volunteer from Ecuador was killed by terrorist sniper fire in January. The man sustained minor injuries to the eye when one of the bullets struck a water tank, causing shrapnel to spray.

As I told the Security Council earlier this week, the perceived quiet and lull in Hamas's attacks is a complete mirage. Clearly, the rockets out of Gaza have not stopped, and Hamas continues to smuggle and produce more rockets. Thus, Hamas bears complete responsibility for the situation, and in particular indiscriminate rocket attacks against Israeli civilians, which serve no real purpose and are in violation of international law. The senseless firing of rockets demonstrates that Hamas has no interest other than an all-out campaign of violence and terrorism against Israel.

Israel will continue to defend itself and protect its civilians, as is the right and responsibility of every nation, in accordance with Article 51 of the United Nations Charter.

08-28926 (E) 310308

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations A/62/771

General Assembly

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Sixty-second session
Agenda item 113 (d)
Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 14 March 2008 from the Permanent Mission of Ghana to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Ghana to the United Nations presents its compliments to the President of the General Assembly at its sixty-second session and has the honour to inform him that the Government of Ghana has decided to present its candidature to the Human Rights Council for the term 2008-2011 in the elections to be held in May 2008, during the sixty-second session of the General Assembly, in New York.

In accordance with General Assembly resolution 60/251, an aide-memoire on Ghana's achievements, voluntary pledges and commitments towards the universal promotion and protection of human rights is attached (see annex).

08-28894 (E) 020408

Annex to the note verbale dated 14 March 2008 from the Permanent Mission of Ghana to the United Nations addressed to the President of the General Assembly

Aide-memoire

Voluntary pledges and commitments of Ghana in accordance with resolution 60/251

Ghana's Membership of the Human Rights Council

- Ghana has since the formation of the Human Rights Council participated actively in its debates and participated in other activities of the Council, thereby contributed effectively to the Councils collaborative effort to build the consensus necessary for the promotion and protection of human rights around the world.

- Ghana has pursued a consistent policy of non-politicisation of the work of the Council, and worked to ensure objectivity in the Councils debates and decisions. Consequently, she has consistently urged the Council to focus on the enhancement of international cooperation for the promotion and protection of human rights.

- As a member of the Council, she has articulated and pursued the interests of victims of human rights abuses around the world. Through active participation, she has also followed a policy of cooperation and engagement even during periods of disagreement to ensure decisions in favour of human rights promotion.

International commitments

- Ghana was among the first members of the African Union to subscribe to the African Peer Review Mechanism to be peer reviewed. In the same vein, it welcomed the system of Universal Periodic Review (UPR) of the Human Rights Council and stands ready to be reviewed in May 2008 during the second session of the first cycle of the UPR.

- Ghana fully cooperates with human rights treaty bodies by duly submitting its periodic reports and endeavour to implement their concluding observations and recommendations.

- In cooperation with the United Nations Special Procedures, the Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms. Yakin Erturk, undertook a mission to Ghana from 7 to 14 July, 2007 and enjoyed the invaluable support and cooperation of the competent Ghanaian authorities and civil society organizations.

Ghana is party to key international human rights instruments including:

- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**
- **International Covenant on Civil and Political Rights**
- **Optional Protocol to the International Covenant on Civil and Political Rights**
- **Convention on the Elimination of All Forms of Discrimination against Women**
- **Convention on the Elimination of All Forms of Racial Discrimination**
- **International Covenant on Economic, Social and Cultural Rights**
- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**
- **Convention on the Rights of the Child**
- **Rome Statute of the International Criminal Court**

Ghana has also signed the following:

- **Convention for the Protection of All Persons from Enforced Disappearance**
- **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**
- **Convention on the Rights of Persons with Disabilities**
- **Optional Protocol to the Convention on the Rights of Persons with Disabilities**
- **Optional Protocol to the Convention on the Rights of the Child on children in armed conflict**
- **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

- In March 2007, Ghana was one of the first countries to sign the Convention on the Rights of Persons with Disabilities which is a clear demonstration of its solidarity and belief in a life with dignity for all and that all human beings are equal. The competent Ghanaian authorities are working to facilitate domestic procedures for ratifying the Convention as early as possible. Moreover, domestic laws related to the disabled have been revised to fall in line with the newly adopted Convention.

- Ghana is also party to the Convention relating to the Status of Refugees and the 1967 Protocol, the Geneva Conventions of 12 August 1949, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the

Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

- Ghana is a party to the African Charter on Human and Peoples' Rights and to the Protocol Establishing the African Court on Human and Peoples' Rights (ACHPR).

- Measures are being taken at the national level to ratify or accede to all international human rights instruments to which Ghana is not yet party.

- Ghana's commitment to the tenets of democracy, human rights and the rule of law and good governance have carved for her the image of a highly democratic African country. It has fulfilled its obligations in respect of international human rights and humanitarian law and has over the last decade worked closely with the UNHCR to offer a home away from home for refugees in the West Africa sub-region.

Human rights at home

- The Government of Ghana is fully committed to the promotion and protection of human rights. In consonance with that commitment, Ghana has made an open-ended provision in the 1992 Constitution of the Republic of Ghana in Article 33(5) of Chapter 5 on fundamental human rights and freedom as follows:

> *The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.*

- The Constitution of Ghana also guarantees respect for the economic, cultural and social rights of her citizens. In this spirit, Ghana has implemented extensive legislation provisions that protect human rights in an open and democratic political culture.

- A conducive environment that does not tolerate violations of the rights of all Ghanaians has been created. The Commission for Human Rights and Administrative Justice, a constitutional body monitoring human rights and dealing with violations and educating the public on human rights, is in place.

- As an eloquent manifestation of our commitment to and the protection of children and gender balance, the Ministry of Women and Children's Affairs with Cabinet status continues to pursue various programmes and projects for women's empowerment and gender equality and child rights.

- Ghana is committed and responding to the calls to implement the Declarations and Plans of Action towards Africa Fit for Children and the World Fit for Children. An Early Childhood Development/HIV/AIDS as well as Orphans and Vulnerable Children (OVC) policies have been developed and community based organizations (CBOs) working on HIV/AIDS have been trained and equipped with skills to respond to the special needs of children infected and affected by HIV and AIDS.

- Annual national campaigns on integrated child health comprising immunization, distribution of free insecticide treated bed nets and Vitamin 'A' supplementation have been institutionalized and no child in Ghana has died from measles disease in the last four years and we are on course to be certified as a polio free country.

- Having conducted a research into violence against children, Ghana has started the process towards developing a National Plan of Action on violence against children. On this note, Ghana fully supports the General Assembly's decision in December 2007 appointment of a Special Representative on violence against children, for a period of three years, to act as a high-profile and independent global advocate for the prevention and elimination of all forms of violence against children.

- Ghana enacted legislation against Human Trafficking in 2005 and has developed a comprehensive National Plan of Action to implement the legislation. A cross sectoral Human Trafficking Management Board and a Human Trafficking Fund have been established to facilitate execution. In addition, Ghana has entered into multilateral and bilateral cooperation agreements with neighbouring countries to effectively combat trafficking in persons especially children across our borders.

- The Government of Ghana recognizes the threat that violence against women poses to women's empowerment, and thus, for many years, has exhibited strong political will and enacted laws that are needed to truly end such atrocities and ensure equal rights for women in all aspects of life.

- Several pieces of legislation are in place to prohibit negative cultural practices which impede the development of women such as ritual servitude and FGM, harmful widowhood rites, early marriages, violence and sexual exploitation and abuse, discriminatory food allocations and taboos and practices relating to health and well being of women and children.

- Domestic Violence and Victim Support Units (DOVVSU) of the Ghana Police Service have been established throughout the country to promote protection of women and children from domestic violence, abuse and neglect. The Units activities have brought into scrutiny some pertinent issues in both the domestic setting and the workplace.

- To provide the requisite legal framework for the activities of DOVVSU, the Parliament of Ghana in February, 2007, passed the Domestic Violence Act 2007, (Act 732) marking yet another milestone in our commitment to human rights and specifically the rights of women. The Government now is developing a comprehensive National Domestic Violence Action Plan to ensure its implementation.

- Further legislative reforms to ensure equal rights between women and men culminated in the enactment of a law on the property rights of spouses that give both spouses equal access to property acquired during marriage in situations of divorce or separation.

- Ghana fosters an environment that allows space for and encourages the work of human rights defenders and journalists for human rights.

- Ghana has over the last decade worked closely with UNHCR to serve as an oasis of peace, security and stability for refugees in the West Africa sub-region and fulfilled its obligations in respect of international human rights and humanitarian law.

- Ghana has also provided training on the prevention of violence and response to sexual and gender based violence to the refugee community, police personnel and members of the neighbourhood watch teams under the auspices of the UNHCR programme.

- Additionally, police and military institutions and Women Constituencies are engaging to develop Ghana's Plan of Action on implementation of Security Council Resolution 1325 on Women Peace and Security.

Ghana and human rights in the future

The Government of the Republic of Ghana reiterates its longstanding resolve that human rights should be approached in a dialogue-based and constructive manner and voluntarily commits itself to the following:

- **to continue to participate actively in the work of the Human Rights Council;**
- **to continue to strengthen policies for the advancement of women to eliminate laws that continue to discriminate against women;**
- **reiterates its commitments to the survival, development, protection, of children in issues that affect their well being and above all in their best interest;**
- **to maintain a standing invitation to all United Nations Special Procedures;**

- **to continue to cooperate fully with UN human rights treaty bodies and promptly submit its periodic reports to treaty bodies;**
- **to remain committed to strengthening the Council to enable it achieve its aims and objectives.**

NEW YORK, 10 MARCH, 2008

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General Assembly

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Sixty-second session
Agenda item 133
Human resources management

Human resources management

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya Nkayivu (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Human resources management" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 28th and 36th meetings, on 4 and 28 March 2008. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/62/SR.28 and 36).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the staffing of field missions, including the use of 300- and 100-series appointments (A/61/732);

(b) Report of the Secretary-General on the harmonization of conditions of service (A/61/861);

(c) Report of the Secretary-General on detailed proposals for streamlining United Nations contractual arrangements (A/62/274);

(d) Report of the International Civil Service Commission for the year 2006: addendum;[1]

(e) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.14 (sect. II)).

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 30* (A/61/30/Add.1).

II. Consideration of draft resolution A/C.5/62/L.33

4. At its 36th meeting, on 28 March, the Committee had before it a draft resolution entitled "Human resources management" (A/C.5/62/L.33), submitted by the Chairman on the basis of informal consultations coordinated by the representative of Australia.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.33 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Human resources management

The General Assembly,

Recalling its resolutions 59/266 of 23 December 2004, 61/244 of 22 December 2006, section VIII of its resolution 61/276 of 29 June 2007 and section XXI of its resolution 62/238 of 22 December 2007, as well as its other relevant resolutions and decisions,

Having considered the reports of the Secretary-General on the staffing of field missions, including the use of 300- and 100-series appointments,[1] on detailed proposals for streamlining United Nations contractual arrangements[2] and on the harmonization of conditions of service,[3] the addendum to the report of the International Civil Service Commission for 2006[4] and section II of the report of the Advisory Committee on Administrative and Budgetary Questions,[5]

1. *Takes note* of the reports of the Secretary-General on the staffing of field missions, including the use of 300- and 100-series appointments,[1] on detailed proposals for streamlining United Nations contractual arrangements[2] and on harmonization of conditions of service;[3]

2. *Decides* to continue consideration of the issue of contractual arrangements and conditions of service, including in United Nations field operations, as a matter of priority at the main part of its sixty-third session, taking into account the conclusions and recommendations contained in section II of the report of the Advisory Committee on Administrative and Budgetary Questions,[5] with a view to the implementation of the new arrangements and conditions on 1 July 2009.

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[1] A/61/732.
[2] A/62/274.
[3] A/61/861.
[4] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 30* (A/61/30/Add.1).
[5] A/62/7/Add.14.

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A/62/773

General Assembly

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Sixty-second session
Agenda items 126, 128, 136 and 140

Review of the efficiency of the administrative and financial functioning of the United Nations

Programme budget for the biennium 2008-2009

Report on the activities of the Office of Internal Oversight Services

Administrative and budgetary aspects of the financing of United Nations peacekeeping operations

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the items entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", "Programme budget for the biennium 2008-2009", "Report on the activities of the Office of Internal Oversight Services" and "Administrative and budgetary aspects of the financing of United Nations peacekeeping operations" and to allocate them to the Fifth Committee.

2. The Fifth Committee considered the items at its 30th and 36th meetings, on 10 and 28 March 2008. Statements and observations made in the course of the Committee's consideration of the items are reflected in the relevant summary records (A/C.5/62/SR.30 and 36).

3. For its consideration of the items, the Committee had before it the following documents:

08-28887 (E) 010408

(a) Report of the Secretary-General on strengthening investigations (A/62/582 and Corr.1);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.35);

(c) Report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007 and the comments of the Secretary-General thereon (A/62/272 and Add.1).

II. Consideration of draft resolution A/C.5/62/L.29

4. At its 36th meeting, on 28 March, the Committee had before it a draft resolution entitled "Strengthening investigations" (A/C.5/62/L.29), submitted by the Chairman on the basis of informal consultations coordinated by the representative of Belgium.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.29 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Strengthening investigations

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, 57/282, section IV, of 20 December 2002, 59/272 of 23 December 2004, 59/287 of 13 April 2005, 61/245 of 22 December 2006, 61/275 and 61/279 of 29 June 2007, 61/267 B of 24 July 2007 and 62/234 of 22 December 2007,

Recalling also paragraph 10 of its resolution 59/287,

Having considered the report of the Secretary-General on strengthening investigations,[1] the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007,[2] the note by the Secretary-General transmitting his comments thereon[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

1. *Takes note* of the report of the Office of Internal Oversight Services[2] and the related note by the Secretary-General;[3]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[4] subject to the provisions of the present resolution;

3. *Notes in particular* the concern of the Advisory Committee stated in paragraph 5 of its report;

4. *Stresses* that the lack of explicitly written rules and regulations for procedures relating to investigations negatively affects fairness and due process rights;

5. *Expresses concern* that the current investigations manual of the Office of Internal Oversight Services appears to lack useful and practical information for investigators compared with similar manuals used in other international organizations and that it also appears not to contain sufficient working instructions for conducting investigations;

6. *Notes with appreciation* the efforts being made by the Office of Internal Oversight Services to improve the conduct of its investigations by applying international best practices and ensuring respect for the due process rights of all United Nations staff;

[1] A/62/582 and Corr.1.
[2] A/62/272.
[3] A/62/272/Add.1.
[4] A/62/7/Add.35.

7. *Affirms* that transparent, predictable, accountable and objective operational strategies and investigation procedures contribute to the effective functioning of the system of administration of justice;

8. *Notes with concern* that concerns have been raised regarding due process rights in investigations, stresses that the due process rights afforded to staff in investigations carried out by the Office of Internal Oversight Services have to withstand review by the system of administration of justice, and reiterates its request to the Secretary-General to develop a comprehensive approach to fully undertake the Organization's responsibility in ensuring the due process rights of its staff under investigation;

9. *Re-emphasizes* the principle of separation, impartiality and fairness on the part of those with responsibility for investigation functions;

10. *Stresses* that the purpose of the Office of Internal Oversight Services is to assist the Secretary-General in fulfilling his internal oversight responsibilities;

11. *Reaffirms* that the Office of Internal Oversight Services is the internal body entrusted with investigation in the United Nations;

12. *Also reaffirms* that trained heads of offices, programme managers and boards of inquiry, as well as the Department of Safety and Security and the Ethics Office, may carry out administrative inquiries and investigations, except in cases of serious misconduct and/or criminal behaviour, in accordance with resolution 59/287;

13. *Takes note* of the development of a comprehensive training module designed to build the capacity of United Nations staff to support administrative inquiries or investigations, as well as of a special training programme for investigating allegations of sexual harassment, by the Office of Internal Oversight Services;

14. *Recalls* paragraphs 3, 8 and 10 of its resolution 59/287, and requests the Secretary-General to continue to increase basic Investigation training, as appropriate, for the handling of minor forms of misconduct;

15. *Reaffirms* its decision that in cases of serious misconduct and/or criminal behaviour, investigations should be conducted by professional investigators;

16. *Also reaffirms* that any changes that have administrative and financial implications be submitted by the Secretary-General and be subject to the review and approval of the General Assembly in accordance with established procedures;

17. *Requests* the Secretary-General to prepare, in close cooperation with the Office of Internal Oversight Services, for its consideration at its sixty-third session, a report providing detailed information regarding, inter alia:

(a) The status of implementation of its resolution 59/287;

(b) Updated and detailed information on all the entities other than the Office of Internal Oversight Services carrying out administrative inquiries and investigations, their legislative basis and precise role, the number and types of cases handled, related resources, reporting mechanisms, standards and guidelines involved and training imparted;

(c) The status of work done under general temporary assistance resources equivalent to six positions to establish a training capacity for the Investigations

Division to enable programme managers to handle category II cases of misconduct[5] and the assessment of such work and any other related work carried out for the same purpose, as well as the future workplan thereof;

18. *Also requests* the Secretary-General to prepare for its consideration and approval, in close cooperation with the Office of Internal Oversight Services, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations before the General Assembly decides on the necessity of such a review, taking into account the role and mandate of the Office of Internal Oversight Services as established in its resolution 48/218 B, the framework for investigation adopted in its resolutions 57/282, section IV, and 59/287, the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services and its decisions on the accountability framework, results-based management, enterprise risk management and the internal control framework;

19. *Further requests* the Secretary-General to report to the General Assembly on practices related to the sharing of information between the Organization and law enforcement authorities of Member States as well as to referrals to such authorities of possible criminal cases related to United Nations staff, United Nations officials and experts on mission, taking into account its resolution 62/63 of 6 December 2007 and other relevant legal instruments.

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[5] See A/58/708, para. 27.